

IN THE COURT OF APPEALS OF IOWA

No. 0-767 / 10-1477
Filed November 10, 2010

**IN THE INTEREST OF J.S.,
Minor Child,**

**M.R.S., Mother,
Appellant.**

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

A mother appeals the district court's order terminating her parental rights.

AFFIRMED.

Leslie M. Blair III of Blair & Fitzsimmons, P.C., Dubuque, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean A. Becker, Assistant County Attorney, for appellee State.

John Nemmers, Dubuque, attorney and guardian ad litem for minor child.

Considered by Eisenhauer, P.J., and Potterfield and Doyle, JJ.

POTTERFIELD, J.

Michelle appeals from the termination of her parental rights to her child. We review all termination decisions de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The mother does not, and indeed cannot, seriously challenge the existence of the statutory grounds for termination under Iowa Code section 232.116(1)(f) (2009). J.S. is older than four years of age; was adjudicated a child in need of assistance on June 1, 2009; has been removed from Michelle's custody since June 22, 2009; and cannot be returned to her custody at the present time because she has no home or job, must serve a short jail sentence, and intends to re-enter inpatient substance abuse treatment with hopes of more successfully addressing substance abuse and mental health issues than she has in the past. She argues, however, that the district court erred in failing to grant her additional time to address her mental health issues, after which she will be more capable of addressing her substance abuse, employment, and housing issues.

We commend Michelle on her recent progress. But, that progress is recent and minimal. Before there would be even a possibility that the child could be returned to her, Michelle would have to overcome many additional personal hurdles, discussion of which would serve no useful purpose. We have no indication how much time Michelle might require to overcome those challenges.

In the meantime, her child has "come a long way in the foster home." Traci Gael, the social worker assigned to this case, testified that when J.S. was removed from Michelle's custody, just weeks before turning age four, he was

very delayed. There were issues with his speech. His speech was not clear. He did not know his colors. He did not know his numbers. He did not know ABC's which is typical. Usually by three they're starting to learn some of those things. He couldn't identify any of those. He was very untrusting.

. . . .
. . . So by four those are typically developmentally things he should have been able to do. He was untrusting, had a fear of water initially when he went into care. Even taking baths or showers he was scared, and he made several comments about—or asking the foster parents and others to make sure that no one hurts him again.

Now I see a little boy that is completely on track, happy, well-adjusted, thriving to the point that he's made enough progress over this past year to begin kindergarten this fall.

Jessica Keller, Lutheran Services in Iowa supervisor, testified the child "needs a stable, structured, loving environment" and recommended termination of parental rights. The child's foster family is willing to provide that to him through adoption.

Giving "primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child," we conclude termination is in the child's best interests. See Iowa Code § 232.116(2) (2009). And we do not find there are any pertinent factors weighing against termination as expressed in section 232.116(3). We therefore affirm the termination of the mother's parental rights to J.S.

AFFIRMED.